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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,551	10/30/2001	Shell S. Simpson	10008251-1	7769

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EXAMINER	
TRUONG, CAMQUY	

ART UNIT	PAPER NUMBER
2127	

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/001,551	SIMPSON ET AL.	
	Examiner	Art Unit	
	Camquy Truong	2127	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 October 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/30/01*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-40 are presented for examination.

2. It is noted that although the present application does contain line numbers in the specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the examiner and Applicant all future correspondence should include the recommended line numbering.

3. The cross reference related to the application cited in the specification must be updated (i.e. update the relevant status, with PTO serial numbers or patent numbers where appropriated, on page 1 lines 1-12).

4. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code (e.g. see. Page 7, line 1 and page 26, line 25). See MPEP § 608.01.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following terms lack proper antecedent basis:

i. The time duration required– claims 1 and 24;

B. The claim language in the following claims is not clearly understood:

i. As to claims 1 and 24, it is not clearly indicate how production data relates to production device and production options.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takuwa et al (U.S. 6,463,229 B2) in view of Grout (U.S. 5,913,033), and further in view of Barth et al (U.S. 6,795,873 B1).

7. As to claims 1 and 24, Takuwa teaches the invention substantially as claimed including: a method of relieving competition between processing jobs sharing a production device (abstract), said method comprising the steps of:

f. If said production device is currently processing a previous processing job of a previous user and if said previous processing job is subject under said first condition to said interruption, then under a second condition allowing said processing said first processing job of said first user to interrupt processing of said previous processing job of said previous user by said production device, such that processing of said previous processing job resumes after said processing of said first processing job is complete (col. 5,lines 30-34 and lines 39-49; col. 11, lines 8-21);

d. Estimating the time duration required to process said first processing job using said production device with said selected production options (col.5, lines 35-39;col. 11, lines 8-9; col.12, lines 57-59);

8. Takuwa does not explicitly teach a first user's browser, accessing a destination service representing a production device, retrieving production data of said first user by said destination service and at said first user's browser, selecting production options from among a plurality of production options provided by said destination service for determining a first processing job for processing said first user's production data using said production device. However, Grout teaches from a first user's browser (browser, col.7, line 21),

accessing a destination service representing a production device, retrieving production data of said first user by said destination service (col. 3, lines 13-22; col. 7, lines 21-23) and At said first user's browser, selecting production options from among a plurality of production options provided by said destination service for determining a first processing job for processing said first user's production data using said production device (col. 3, lines 24-28; col. 7, lines 31-40; col. 8, lines 1-3).

9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Takuwa and Grout because Grout's first user's browser, accessing a destination service representing a production device, retrieving production data of said first user by said destination service and at said first user's browser, and selecting production options from among a plurality of production options provided by said destination service for determining a first processing job for processing said first user's production data using said production device would provide an enhanced document manager to Takuwa's system, therefore, it will increase performance.

10. Taduwa and Grout do not explicitly teach if said production device is not currently processing a previous processing job of a previous user, then allowing said first processing job of said first user to be processed using said production device. However, Barth teaches if said production device is not currently

processing a previous processing job of a previous user, then allowing said first processing job of said first user to be processed using said production device (col. 2, lines 20-25).

11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Takuwa, Grout and Barth because Barth's steps of allowing production device to process job of the first user when not in used would increase the efficiency in utilizing the idle device when not in used.

12. As to claim 2, Takuwa teaches the step of offering said first user the option to process said first processing job following the completion of processing of said previous processing job (col. 5, lines 49-54).

13. As to claims 3 and 25, Takuwa teaches the step of dynamically displaying job status including interrupt status at a browser of said previous user having said previous processing job interrupted by said first processing job of said first user (col.7, lines 60-65).

14. As to claims 4-6 and 26-28, Takuwa teaches first condition comprises requiring said first processing job to be interruptible if said estimated time duration exceeds a previously determined maximum threshold time duration (col.

4, lines 25-32; col. 5, lines 30-34).

15. As to claims 7-8 and 29, Takuwa teaches second condition comprises the step of allowing a local processing job of a user local to said production device to interrupt processing of said previous processing job of said previous user by said production device, such that processing of said previous processing job resumes after said processing of said local processing job is complete, said local processing job being loaded and unloaded manually at said production device (col. 5, lines 39-49; col11, lines 8-21).

16. As to claims 9 and 30, Takuwa teaches second condition comprises comparing said estimated time duration with a previously determined second threshold time duration (col.1, lines 59-62; col.11, lines 10-11).

17. As to claim 10, Takuwa teaches said first user interrupts said previous processing job, then said previous processing job is stored while processing said first processing job, such that said previous processing job is deferred but not canceled (col.5, lines 39-49).

18. As to claims 11 and 31-33, Takuwa teaches said previous processing job is stored in a medium selected from the group consisting of a hard disk and an image store associated with said previous user's identity (col.3, lines 48-50).

19. As to claims 12-13, Takuwa teaches separating output copies of said first processing job from output copies of said previous processing job using an operation selected from the group consisting of delivering output copies of said first processing job and said previous processing job into separate output bins, delivering output copies into a common output bin, such that output copies of said first processing job are offset relative to output copies of said previous processing job, and delivering output copies into a common output bin, such that output copies of said first processing job are separated relative to output copies of said previous processing job by separator sheets (col. 5, lines 49-55).

20. As to claim 14, Takuwa teaches subsequent processing job cannot interrupt said first processing job, if said first processing job is interrupting said previous processing job (col. 11, lines 16-21).

21. As to claims 15, 18-23, Takuwa teaches the step of providing said first user an option of reserving processing at a deferred start time of said processing job using said production device in accordance with said selected production options, such that if said first user opts to reserve a start time, then setting a deferred start time, storing said processing job during a deferral period until said deferred start time occurs, and then deferred processing said processing job using said production device in accordance with said selected production options (col. 4, lines 25-32).

22. As to claims 16-17, it is rejected for the same reason as claims 11.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

23. Claims 34- 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hisatake et al (5774,356) in view of Grout (U.S. 5,913,033).

24. As to claim 38, Hisatake teaches the invention substantially as claimed including: a system for relieving competition between processing jobs sharing a production device (col. 2, 41-48), said method comprising the steps of:

Destination service further representing a production device and operable to arrive at a priority level for each said processing job (col. 5, line 54-col.6, line 14); and to interrupt an existing processing job that is currently using said production device when said currently running processing job has a certain arrived at priority, such that another processing job can use said production device, said another processing job having an arrived at priority different from said processing job being interrupted (col.3, lines 10-23).

25. Hisatake does not explicitly teach user's browser, and a destination service accessible from said user's browser and operable to download content into said user's browser. However, Grout teaches a user's browser (browser, col.7, line 21), and a destination service accessible from said user's browser and operable to download content into said user's browser (col. 3, lines 13-22; col. 7, lines 21-23).

26. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Takuwa and Grout because Grout's first user's browser, accessing a destination service representing a production device, retrieving production data of said first user by said destination service and at said first user's browser, and selecting production options from among a plurality of production options provided by said destination service for determining a first processing job for processing said first user's production data using said production device would provide an enhanced document manager to Takuwa's system, therefore, it will increase performance.

27. As to claim 34, Hisatake teaches:

Accepting a plurality of processing jobs competing for said production device (col.2, lines 41-48);

Determining the quantities of resources required for each accepted processing job (col2, lines 64-67);

Comparing each said determination against at least one pre-established criterion to arrive at a priority level for each said processing job (col. 5, line 54-col.6, line 14);

Inserting an accepted processing job into a queue of accepted processing jobs according to its arrived at priority (col. 4, line 55-col.8); and

Interrupting an existing processing job that is currently using said production device, such that another processing job can use said production device, said another processing job having an arrived at priority different from the arrived at priority of said processing job being interrupted (col.3, lines 10-23).

28. As to claim 35, Hisatake teaches production device comprises a printing resource including at least one printer (col. 2, lines 43-45).

29. As to claim 36, Hisatake teaches plurality of processing jobs comprise printing of image data (col. 2, lines 44-48).

30. As to claim 37, Hisatake teaches resources include resources selected from the group consisting of processing time, paper, ink, and toner (col.2, lines 64-67).

31. As to claims 39-40, Grout teaches web based imaging interconnected with

said user's browser and said destination service (col. 5, lines 29-44).

Conclusion

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camquy Truong whose telephone number is (571) 272-3773. The examiner can normally be reached on 8AM – 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3756.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR of Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

Camquy Truong

February 3, 2005

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